



Entered on Docket
January 04, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

) Case No. BK-S-06-10725-LBR
) Case No. BK-S-06-10726-LBR
) Case No. BK-S-06-10727-LBR
) Case No. BK-S-06-10728-LBR
) Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: December 20, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING SECOND OMNIBUS OBJECTION
OF THE USACM LIQUIDATING TRUST TO CLAIMS FOR LACK OF
DOCUMENTATION EXCEPT AS TO PROOF OF CLAIM NO. 10725-00247
FILED BY DALE L. TUTTLE**

The USACM Liquidating Trust (the "USACM Trust") filed its Second Omnibus Objection to Claims for Lack of Documentation [DE 5359] (the "Objection") on November 19, 2007. Appropriate notice of the Objection was given. A Response to the Objection was raised as follows:

- On December 5, 2007, Dale L. Tuttle provided documentation for Proof of Claim No. 10725-00247. Upon being provided documentation, the USACM Trust withdrew the Objection as to that claim on December 19, 2007 [DE 5505]. Accordingly, that claim is not included in Exhibit A attached and is not affected by this Order.

No other responses were received by USACM Trust counsel or filed with this Court. The Objection came before the Court for hearing on December 20, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust's Second Omnibus Objection to Claims for Lack of Documentation except to the extent the USACM Trust has withdrawn that objection; and
- Disallowing the Proofs of Claim listed on the attached Exhibit A without prejudice to any rights the claimants listed in Exhibit A may have as Direct Lenders in a particular loan.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)


Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

1 APPROVED:

2 OFFICE OF THE U.S. TRUSTEE

3 
4 August B. Landis, Esq.
5 Scott A. Farrow, Esq.
6 300 Las Vegas Boulevard, Suite 4300
7 Las Vegas, NV 89101

8
9 In accordance with Local Rule 9021, the undersigned certifies:

- 10 ☐ The Court waived the requirements of LR 9021.
- 11 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
12 parties who have appeared at the hearing regarding this matter and/or who filed
13 a written objection and each has:
- 14 ☒ approved the form of this order;
- 15 ☐ waived the right to review the order;
- 16 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 17 ☐ failed to sign and return this proposed order within five (5) business days
18 in accordance with LR 9021(b).
- 19 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented
20 parties who appeared at the hearing regarding this matter and/or who filed a
21 written objection and all have either approved the form of this order, waived the
22 right to review the order, failed to file and serve papers in accordance with LR
23 9021(c) and the following have disapproved the form of the order.
- 24 ☐ No opposition was filed and no other party or counsel appeared at the hearing.

25 LEWIS AND ROCA LLP

26 By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

**ORDER SUSTAINING SECOND OMNIBUS
OBJECTION OF USACM LIQUIDATING TRUST TO
PROOFS OF CLAIM FOR LACK OF
DOCUMENTATION
BK-S-06-10725-LBR**

<u>Creditor Name</u>	<u>Claim No.</u>	<u>Date Filed.</u>	<u>Amount</u>
Wagner, Scott E. P.O. Box 523 Cumberland, Wisconsin 54829-0523	10725-00268	9/27/06	\$80,000.00
Mary Coleman IRA 108 Low Street Newburyport, Maryland 01950-3517	10725-00306	9/29/06	Amount Not Stated
Mary Coleman IRA 108 Low Street Newburyport, Maryland 01950-3517	10725-00307	9/29/06	Amount Not Stated
Coleman, Mary 108 Low Street Newburyport, Maryland 01950-3517	10725-00308	9/29/06	\$27,473.40
Coleman, Mary First Savings Bank Custodian for Mary Coleman 108 Low Street Newburyport, Maryland 01950-3517	10725-00309	9/29/06	\$39,226.14
Frey, Lloyd 2605 East Flamingo Road Las Vegas, Nevada 89121	10725-00311	9/29/06	Amount Not Stated
Rosenthal, Arnold 6059 Woodman Avenue Van Nuys, California 91401	10725-00414	10/3/06	\$51,095.00
Milton Leroy Owens MD Inc, Defined Benefit Plan and Trust 1094 West 7 th Street San Pedro, California 90731-2928	10725-00569	10/12/06	\$26,129.00
Owens, Milton 1094 West 7 th Street San Pedro, California 90731-2928	10725-00570	10/12/06	\$25,000.00

EXHIBIT A